

DEASEY, MAHONEY & BENDER, LTD.

FRANCIS J. DEASEY
HARRY G. MAHONEY
JAMES W. DALY†
GERALD J. VALENTINI‡
JANE A. NORTH†
HENRI MARCEL†
CARLA P. MARESCA§
ADAM J. PANTANO†
WARD A. RIVERS†
CHRISTOPHER C. NEGRETE
STEPHEN J. PARISH†
PATRICIA E. McENTEE
MICHAEL J. HINKLE†
TROY D. SISUM†
JENNIFER B. HUNTER†
CHRISTOPHER G. MAVROS†
ELYSE G. CRAWFORD
THOMAS C. GALLAGHER†
ANDREW B. ADAIR
KIMBERLY M. FRASCELLA
SHERYL L. BROWN

ATTORNEYS AT LAW - PROCTORS IN ADMIRALTY
SUITE 1300
1800 JOHN F. KENNEDY BOULEVARD
PHILADELPHIA, PA 19103-2978
215-587-9400
FACSIMILE: 215-587-9456

DIRECT EMAIL: CPMARESCA@DMBPHILA.COM
VOICE-MAIL EXTENSION #139

NEW JERSEY OFFICE
80 TANNER STREET
HADDONFIELD, NJ 08033-2419
856-429-6331
FACSIMILE: 856-429-6562

MEDIA OFFICE
SUITE 101
103 CHESLEY DRIVE
MEDIA, PA 19063

OF COUNSEL:
FRANK C. BENDER
WILLIAM R. DEASEY
1951-1993
JAMES G. BARNES
1988-1997
† ALSO MEMBER NJ BAR
‡ ALSO MEMBER CA BAR
§ ALSO MEMBER NY BAR

May 9, 2007

UNITED STATES DISTRICT COURT
For the District of Delaware
844 North King Street
Lockbox 18
Wilmington, DE 19801
ATTN: COURT CLERK

**RE: Raymond Bruton v. Jay Sylvester, et. al.
C.A. No.: 06-736
Our File No.: 411.22637**

Dear Sir or Madam:

Enclosed please find the executed Return of Waiver of Service of Summons in the above-captioned matter. Kindly file the same and return a filed, stamped copy to our office in the enclosed business reply envelop.

Please feel free to contact me should you have any questions or concerns.

Very truly yours,

DEASEY, MAHONEY & BENDER, LTD

By:

CARLA P. MARESCA, ESQUIRE

CPM:dc
enclosure

SEARCHED
INDEXED
FILED
U.S. DISTRICT COURT
MAY 11 2007
P.M. 3:00
J. Deasey

UAMS Copy

RETURN OF WAIVER OF SERVICE OF SUMMONS

I acknowledge receipt of the request that I can waive service of summons in the matter of C.A. No. 06-736 in the United States District of Delaware. I have also received a copy of the complaint in the action, two copies of this form, a copy of the Order of the Court authorizing service and a means by which I can return the signed waiver without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I be served with judicial process in the manner provided by Rule 4. I will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court, except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgement may be entered against the party on whose behalf I am acting if a response is not served and filed within 60 days after: April 18, 2007.

Date: 5/8/07

Jay Sylvester by Carl A. Maresca, Esq.
 Signature of Defendant Printed or Typed Name

RECEIVED
U.S. DISTRICT COURT
MAY 11 2007
PACER
Served

DUTY TO AVOID UNNECESSARY COST OF SERVICE OF SUMMONS

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary cost of service of the summons and the complaint. A defendant located in the United States, who, after being notified of an action and asked to waive service of summons on behalf of a plaintiff located in the US, fails to do so will be required to bear the cost of such service unless good cause be shown for that defendant's failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over defendant's person or property. A defendant who waives service of summons retains all defenses and objections, except any relating to the summons or the service of summons, and may later object to the jurisdiction of the Court or to the place to where the action has been brought.

A defendant who waives service must within the time specified on the "Return of Waiver" form served on plaintiff, if unrepresented or on plaintiff's attorney, a response to the Complaint and must also file a signed copy of the response with the Court. If the answer or a motion is not served within this time, a default judgement may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.